

United States Bankruptcy Court  
Eastern District of North Carolina

In re:  
CAH Acquisition Company 16, LLC  
Debtor

Case No. 19-01227-JNC  
Chapter 11

## CERTIFICATE OF NOTICE

District/off: 0417-5  
Date Rcvd: Jun 22, 2023

User: admin  
Form ID: pdf014

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Total Noticed: 1

The following symbols are used throughout this certificate:

| Symbol | Definition   |
|--------|--|
| +      | Addresses marked '+' were corrected by inserting the ZIP, adding the last four digits to complete the zip +4, or replacing an incorrect ZIP. USPS regulations require that automation-compatible mail display the correct ZIP. |

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Jun 24, 2023:

| Recip ID | Recipient Name and Address   |
|----------|--|
| db       | + CAH Acquisition Company 16, LLC, PO Box 955745, Saint Louis, MO 63195-5745 |

TOTAL: 1

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.  
Electronic transmission includes sending notices via email (Email/text and Email/PDF), and electronic data interchange (EDI).

NONE

## BYPASSED RECIPIENTS

The following addresses were not sent this bankruptcy notice due to an undeliverable address, \*duplicate of an address listed above, \*P duplicate of a preferred address, or ## out of date forwarding orders with USPS.

NONE

## NOTICE CERTIFICATION

I, Gustava Winters, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed .R. Bank. P.2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Jun 24, 2023

Signature: /s/Gustava Winters

## CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on June 22, 2023 at the address(es) listed below:

| Name                   | Email Address   |
|------------------------|---|
| Allison Jean Becker    | on behalf of Defendant Rampey Enterprises Inc. abecker@grsm.com<br>cxsmith@grsm.com;rvillaronga@grsm.com;ncleveland@grsm.com  |
| Benjamin E.F.B. Waller | on behalf of Plaintiff Thomas W. Waldrep Jr. bwaller@hendrenmalone.com,<br>jgorman@hendrenmalone.com;ygadalla@hendrenmalone.com   |
| Benjamin E.F.B. Waller | on behalf of Trustee Thomas W. Waldrep Jr. bwaller@hendrenmalone.com,<br>jgorman@hendrenmalone.com;ygadalla@hendrenmalone.com   |
| Brian Behr             | on behalf of Bankruptcy Administrator Bankruptcy Administrator brian_behr@nceba.uscourts.gov<br>rick_hinson@nceba.uscourts.gov;lesley_dean@nceba.uscourts.gov;tanya_aycock@nceba.uscourts.gov;karen_cook@nceba.uscourts.gov |
| Brian H. Smith         |   |

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|                          |   |
|--------------------------|---|
|                          | on behalf of Creditor Complete Business Solutions Group Inc. BRIAN.H.SMITH@FNF.COM  |
| Brian R. Anderson        | on behalf of Health Care Ombudsman Suzanne Koenig BRAnderson@foxrothschild.com pwilliams@foxrothschild.com  |
| Brian R. Anderson        | on behalf of Other Professional SAK Management Services LLC BRAnderson@foxrothschild.com, pwilliams@foxrothschild.com   |
| Byron L. Saintsing       | on behalf of Defendant Funderz.net LLC d/b/a Business Merchant Funding bsaintsing@smithdebnamlaw.com  |
| Byron L. Saintsing       | on behalf of Defendant Funderz.net LLC d/b/a Region Capital bsaintsing@smithdebnamlaw.com   |
| Charles N. Anderson, Jr. | on behalf of Interested Party Blue Cross Blue Shield of Oklahoma chuck.anderson@elliswinters.com patricia.hutchins@elliswinters.com;teri.rodriguez@elliswinters.com   |
| Eric J. Langston         | on behalf of Defendant Rural Lab Outreach LLC elangston@aegislaw.com, ericlangston357.gmail.com@recap.email   |
| Eric J. Langston         | on behalf of Defendant Reboot Inc. d/b/a HIPAA GUARD elangston@aegislaw.com, ericlangston357.gmail.com@recap.email  |
| Eric J. Langston         | on behalf of Defendant Michael Reece elangston@aegislaw.com ericlangston357.gmail.com@recap.email   |
| Erin K. Duffy            | on behalf of Interested Party Boa Vida Foundation Inc. erin@janvierlaw.com, erin@janvierlaw.com;june@janvierlaw.com;samantha@janvierlaw.com   |
| Erin K. Duffy            | on behalf of Creditor Haskell Regional Hospital Inc. erin@janvierlaw.com, erin@janvierlaw.com;june@janvierlaw.com;samantha@janvierlaw.com   |
| Evan A. Lee              | on behalf of Trustee Thomas W. Waldrep Jr. 3111956420@filings.docketbird.com  |
| Evan A. Lee              | on behalf of Plaintiff Thomas W. Waldrep Jr. 3111956420@filings.docketbird.com  |
| George M. Oliver         | on behalf of Other Professional Sherwood Partners Inc. efile@ofc-law.com, george@olivercheek.com;pam@olivercheek.com;katymac@olivercheek.com;clayton@olivercheek.com;linda@olivercheek.com; ben@olivercheek.com;dawn@olivercheek.com;christa@olivercheek.com;austin@olivercheek.com |
| James Albert Barnes, IV  | on behalf of Creditor LGMG LLC d/b/a Verifi Labs and d/b/a Verifi Resource Group jim@oxendinebarnes.com   |
| James Albert Barnes, IV  | on behalf of Defendant Monroe Guest jim@oxendinebarnes.com  |
| James Albert Barnes, IV  | on behalf of Defendant LGMG LLC d/b/a Verifi Labs and d/b/a Verifi Resource Group jim@oxendinebarnes.com  |
| James Albert Barnes, IV  | on behalf of Creditor Lindell Gardner jim@oxendinebarnes.com  |
| James Albert Barnes, IV  | on behalf of Defendant Lindell Gardner jim@oxendinebarnes.com   |
| James Albert Barnes, IV  | on behalf of Creditor Dennis Loudermilk jim@oxendinebarnes.com  |
| James Albert Barnes, IV  | on behalf of Creditor Monroe Guest jim@oxendinebarnes.com   |
| James Albert Barnes, IV  | on behalf of Defendant Dennis Loudermilk jim@oxendinebarnes.com   |
| James C. Lanik           | on behalf of Plaintiff Thomas W. Waldrep Jr. notice@waldrepwall.com, trustee@waldrepllp.com;7357193420@filings.docketbird.com   |
| James C. Lanik           | on behalf of Trustee Thomas W. Waldrep Jr. notice@waldrepwall.com, trustee@waldrepllp.com;7357193420@filings.docketbird.com   |
| James C. Lanik           | on behalf of Plaintiff Thomas W. Waldrep Jr. Trustee notice@waldrepwall.com, trustee@waldrepllp.com;7357193420@filings.docketbird.com   |

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|------------------------|--|
| James S. Livermon, III | on behalf of Defendant Rural Lab Outreach LLC Charlie.livermon@wbd-us.com, kim.cone@wbd-us.com   |
| James S. Livermon, III | on behalf of Defendant Michael Reece Charlie.livermon@wbd-us.com kim.cone@wbd-us.com   |
| James S. Livermon, III | on behalf of Defendant Reboot Inc. d/b/a HIPAA GUARD Charlie.livermon@wbd-us.com, kim.cone@wbd-us.com  |
| Jason L. Hendren       | on behalf of Trustee Thomas W. Waldrep Jr. jhendren@hendrenmalone.com, jgorman@hendrenmalone.com;ygadalla@hendrenmalone.com                              |
| Jason L. Hendren       | on behalf of Plaintiff Thomas W. Waldrep Jr. jhendren@hendrenmalone.com, jgorman@hendrenmalone.com;ygadalla@hendrenmalone.com                            |
| Jennifer B. Lyday      | on behalf of Financial Advisor Grant Thornton LLP notice@waldrepwall.com, 8836221420@filings.docketbird.com  |
| Jennifer B. Lyday      | on behalf of Plaintiff Thomas W. Waldrep Jr. notice@waldrepwall.com, 8836221420@filings.docketbird.com   |
| Jennifer B. Lyday      | on behalf of Special Counsel Parker Hudson Rainer & Dobbs LLP notice@waldrepwall.com, 8836221420@filings.docketbird.com                                  |
| Jennifer B. Lyday      | on behalf of Accountant Arnett Carbis Toothman LLP and its successor Baker Tilly US, LLP notice@waldrepwall.com, 8836221420@filings.docketbird.com       |
| Jennifer B. Lyday      | on behalf of Trustee Thomas W. Waldrep Jr. notice@waldrepwall.com, 8836221420@filings.docketbird.com   |
| John A. Northen        | on behalf of Defendant Michael Nusbaum as the successor Administrator of the Nusbaum Estate jan@nbfirm.com nc30@ecfbis.com;jla@nbfirm.com;sks@nbfirm.com |
| John A. Northen        | on behalf of Interested Party Rural Community Hospitals of America LLC jan@nbfirm.com, nc30@ecfbis.com;jla@nbfirm.com;sks@nbfirm.com                     |
| John A. Northen        | on behalf of Creditor Estate of Paul Nusbaum jan@nbfirm.com nc30@ecfbis.com;jla@nbfirm.com;sks@nbfirm.com  |
| John A. Northen        | on behalf of Defendant Steve White jan@nbfirm.com nc30@ecfbis.com;jla@nbfirm.com;sks@nbfirm.com  |
| John A. Northen        | on behalf of Creditor Steven F. White jan@nbfirm.com nc30@ecfbis.com;jla@nbfirm.com;sks@nbfirm.com   |
| John A. Northen        | on behalf of Creditor Sun Finance Inc. jan@nbfirm.com, nc30@ecfbis.com;jla@nbfirm.com;sks@nbfirm.com   |
| John A. Northen        | on behalf of Defendant Rural Community Hospitals of America LLC jan@nbfirm.com, nc30@ecfbis.com;jla@nbfirm.com;sks@nbfirm.com                            |
| John G. Rhyne          | on behalf of Creditor Slack & Company LLC johnrhyne@johnrhynelaw.com beth@johnrhynelaw.com   |
| John R. Van Swearingen | on behalf of Trustee Thomas W. Waldrep Jr. 1107444420@filings.docketbird.com   |
| John R. Van Swearingen | on behalf of Plaintiff Thomas W. Waldrep Jr. 1107444420@filings.docketbird.com   |
| John R. Van Swearingen | on behalf of Plaintiff Thomas W. Waldrep Jr. Trustee 1107444420@filings.docketbird.com   |
| Kelly Alfred Cameron   | on behalf of Plaintiff Thomas W. Waldrep Jr. Trustee kcameron@waldrepwall.com  |
| Kirstin E. Gardner     | on behalf of Bankruptcy Administrator Bankruptcy Administrator kirstin_gardner@nceba.uscourts.gov Tanya_aycock@nceba.uscourts.gov                        |
| Lauren A. Golden       | on behalf of Creditor Department of Health and Human Services lauren.golden@usdoj.gov kristen.caldaro@usdoj.gov  |
| Michael J. Quinn       | on behalf of Creditor Department of Health and Human Services michael.quinn3@usdoj.gov   |

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|------------------------|---|
| Nancy A. Peterman      | on behalf of Health Care Ombudsman Suzanne Koenig petermann@gtlaw.com   |
| Neal Fowler            | on behalf of Interested Party Centers for Medicare and Medicaid Services neal.fowler@usdoj.gov usance.bankruptcy@usdoj.gov  |
| Paul A. Fanning        | on behalf of Interested Party Cohesive Healthcare Management and Consulting LLC paf@wardandsmith.com, DocketCR@wardandsmith.com;blspang@wardandsmith.com;nsf@wardandsmith.com |
| Rayford K. Adams, III  | on behalf of Debtor CAH Acquisition Company 16 LLC tadams@spilmanlaw.com, cpeterson@spilmanlaw.com  |
| Rebecca F. Redwine     | on behalf of Trustee Thomas W. Waldrep Jr. rredwine@hendrenmalone.com, jgorman@hendrenmalone.com;ygadalla@hendrenmalone.com   |
| Rebecca F. Redwine     | on behalf of Plaintiff Thomas W. Waldrep Jr. rredwine@hendrenmalone.com, jgorman@hendrenmalone.com;ygadalla@hendrenmalone.com   |
| Ross A. Plourde        | on behalf of Interested Party Cohesive Healthcare Management and Consulting LLC ross.plourde@mcafeetaft.com   |
| Ryan Delaney Oxendine  | on behalf of Defendant Lindell Gardner ryan@oxendinepricelaw.com  |
| Ryan Delaney Oxendine  | on behalf of Creditor LGMG LLC d/b/a Verifi Labs and d/b/a Verifi Resource Group ryan@oxendinepricelaw.com  |
| Ryan Delaney Oxendine  | on behalf of Defendant LGMG LLC d/b/a Verifi Labs and d/b/a Verifi Resource Group ryan@oxendinepricelaw.com   |
| Ryan Delaney Oxendine  | on behalf of Creditor Monroe Guest ryan@oxendinepricelaw.com  |
| Ryan Delaney Oxendine  | on behalf of Creditor Dennis Loudermilk ryan@oxendinepricelaw.com   |
| Ryan Delaney Oxendine  | on behalf of Defendant Monroe Guest ryan@oxendinepricelaw.com   |
| Ryan Delaney Oxendine  | on behalf of Creditor Lindell Gardner ryan@oxendinepricelaw.com   |
| Ryan Delaney Oxendine  | on behalf of Defendant Dennis Loudermilk ryan@oxendinepricelaw.com  |
| Thomas W. Waldrep, Jr. | on behalf of Plaintiff Thomas W. Waldrep Jr. Trustee notice@waldrepwall.com, 2942809420@filings.docketbird.com;NC71@ecfbis.com  |
| Thomas W. Waldrep, Jr. | on behalf of Special Counsel Parker Hudson Rainer & Dobbs LLP notice@waldrepwall.com, 2942809420@filings.docketbird.com;NC71@ecfbis.com                                       |
| Thomas W. Waldrep, Jr. | on behalf of Plaintiff Thomas W. Waldrep Jr. notice@waldrepwall.com, 2942809420@filings.docketbird.com;NC71@ecfbis.com  |
| Thomas W. Waldrep, Jr. | on behalf of Trustee Thomas W. Waldrep Jr. notice@waldrepwall.com, 2942809420@filings.docketbird.com;NC71@ecfbis.com  |
| Vicki L. Parrott       | on behalf of Creditor Sun Finance Inc. vlp@nbfirm.com, jla@nbfirm.com;sks@nbfirm.com  |
| Vicki L. Parrott       | on behalf of Creditor Steven F. White vlp@nbfirm.com jla@nbfirm.com;sks@nbfirm.com  |
| Vicki L. Parrott       | on behalf of Creditor Estate of Paul Nusbaum vlp@nbfirm.com jla@nbfirm.com;sks@nbfirm.com   |
| Vicki L. Parrott       | on behalf of Defendant Rural Community Hospitals of America LLC vlp@nbfirm.com, jla@nbfirm.com;sks@nbfirm.com   |
| Vicki L. Parrott       | on behalf of Defendant Steve White vlp@nbfirm.com jla@nbfirm.com;sks@nbfirm.com   |
| Vicki L. Parrott       | on behalf of Interested Party Rural Community Hospitals of America LLC vlp@nbfirm.com, jla@nbfirm.com;sks@nbfirm.com  |
| William P Janvier      |   |

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on behalf of Interested Party Boa Vida Foundation Inc. wjanvier@smvt.com,  
laura@janvierlaw.com;june@janvierlaw.com;kelly@janvierlaw.com;kelly@janvierlaw.com;R55537@notify.bestcase.com;darlene@janvierlaw.com;lpetruska@smvt.com

William Walt Pettit

on behalf of Creditor Ryan Stumphauzer as Receiver for Complete Business Solutions Group Inc.  
walt.pettit@hutchenslawfirm.com, renee.copley@hutchenslawfirm.com

William Walt Pettit

on behalf of Creditor Complete Business Solutions Group Inc. walt.pettit@hutchenslawfirm.com,  
renee.copley@hutchenslawfirm.com

TOTAL: 82



SO ORDERED.

SIGNED this 22 day of June, 2023.

  
\_\_\_\_\_  
Joseph N. Callaway  
United States Bankruptcy Judge

UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF NORTH CAROLINA  
GREENVILLE DIVISION

|                                   |   |                         |
|-----------------------------------|---|-------------------------|
| In re:                            | ) |                         |
|                                   | ) |                         |
| CAH ACQUISITION COMPANY #1, LLC,  | ) | Case No. 19-00730-5-JNC |
| d/b/a WASHINGTON COUNTY HOSPITAL, | ) | Chapter 11              |
|                                   | ) |                         |
| Debtor.                           | ) |                         |
|                                   | ) |                         |
| In re:                            | ) |                         |
|                                   | ) |                         |
| CAH ACQUISITION COMPANY #2, LLC,  | ) | Case No. 19-01230-5-JNC |
| d/b/a OSWEGO COMMUNITY HOSPITAL,  | ) | Chapter 11              |
|                                   | ) |                         |
| Debtor.                           | ) |                         |
|                                   | ) |                         |
| In re:                            | ) |                         |
|                                   | ) |                         |
| CAH ACQUISITION COMPANY #3, LLC,  | ) | Case No. 19-01180-5-JNC |
| d/b/a HORTON COMMUNITY HOSPITAL,  | ) | Chapter 11              |
|                                   | ) |                         |
| Debtor.                           | ) |                         |
|                                   | ) |                         |
| In re:                            | ) |                         |
|                                   | ) |                         |
| CAH ACQUISITION COMPANY 6, LLC,   | ) | Case No. 19-01300-5-JNC |
| d/b/a I-70 COMMUNITY HOSPITAL,    | ) | Chapter 7               |
|                                   | ) |                         |
| Debtor.                           | ) |                         |

|                                   |   |                         |
|-----------------------------------|---|-------------------------|
| In re:                            | ) |                         |
|                                   | ) |                         |
| CAH ACQUISITION COMPANY 7, LLC,   | ) | Case No. 19-01298-5-JNC |
| d/b/a PRAGUE COMMUNITY HOSPITAL,  | ) | Chapter 11              |
|                                   | ) |                         |
| Debtor.                           | ) |                         |
| In re:                            | ) |                         |
|                                   | ) |                         |
| CAH ACQUISITION COMPANY 12, LLC,  | ) | Case No. 19-01697-5-JNC |
| d/b/a FAIRFAX COMMUNITY HOSPITAL, | ) | Chapter 11              |
|                                   | ) |                         |
| Debtor.                           | ) |                         |
| In re:                            | ) |                         |
|                                   | ) |                         |
| CAH ACQUISITION COMPANY 16, LLC,  | ) | Case No. 19-01227-5-JNC |
| d/b/a HASKELL COUNTY COMMUNITY    | ) | Chapter 11              |
| HOSPITAL,                         | ) |                         |
|                                   | ) |                         |
| Debtor.                           | ) |                         |

**ORDER ON COMPENSATION FOR SPECIAL COUNSEL  
MCDONALD HOPKINS, LLP, FOR LITIGATION FUNDING PROCUREMENT**

The matter before the Court is contained in the Motion for Order Authorizing and Approving (I) Litigation Funding Agreement with Omni Bridgeway (Fund 4) INVT. 3 L.P.; (II) Engagement Agreement with McDonald Hopkins, LLP, related to Litigation Funding; and (III) Engagement Agreements with Waldrep Wall Babcock and Bailey, PLLC, and McDonald Hopkins, LLP, Related to Litigation Funding, Effective from and after April 15, 2023 (Dkt. 1580; the “Motion”). The Motion was filed on May 23, 2023, by Thomas W. Waldrep, Jr., in his capacity as trustee of the estates of the above-captioned Debtors (“Trustee”). This order is limited to the request listed in component (II) above concerning compensation sought by special litigation counsel, McDonald Hopkins, LLP, for its work related to obtaining procurement of the Litigation Funding Agreement. The Bankruptcy Administrator filed a response to the Motion (Dkt. 1588; the “Response”) on June 13, 2023. The Motion and Response were heard by the court on June 20, 2023, in Greenville, North Carolina.

At the hearing, after considering the evidence presented and arguments of counsel, components (I) and (III) of the Motion were approved in part. A separate order regarding the same was entered on June 22, 2023 (Dkt. 1593). In support of the relief requested in component (II), the court also considered the Affidavit of Marc Carmel (Dkt. 1586; the “Affidavit”) filed June 5, 2023. In the Affidavit, Mr. Carmel details the work, time and effort expended in obtaining the Litigation Funding Agreement now approved by the court. The services were rendered between December 15, 2021, and May 23, 2023, as detailed and itemized in Exhibit A attached to the Affidavit. The compensation sought totals \$90,665.50 when calculated at the firm’s normal hourly rates for the professionals listed. McDonald Hopkins then seeks to double that compensation to \$181,331.00 based on risk, value, and success.

McDonald Hopkins argues that the nature, value, and risk of the matter should be considered as a broker fee request rather than attorney time. However, McDonald Hopkins never sought and was not employed as a broker for the Litigation Trusts and the Trustee in these cases. It therefore has no authority to seek broker compensation. Even if such employment had been sought, the court was unlikely to grant the same. McDonald Hopkins is employed as special litigation counsel for the Litigation Trusts and Trustee, and as such it and its attorneys owe a higher degree of loyalty and professionalism than any mere broker. In fact, from the record it appears McDonald Hopkins has provided that higher degree of loyalty and professionalism in this matter that the court expects. The work in obtaining litigation funding is well within attorney work scope.

For these reasons and others appearing of record, the court declined to treat the request as a broker fee, but instead, reviewed the matter as a legal fee request made under sections 330 and 331 of the Bankruptcy Code, plus a request for fee enhancement. The court has reviewed and finds that the underlying fee request, for the actual and detailed time set forth in the Affidavit, was reasonable and necessary work for the Litigation Trusts and Trustee performed within the scope of McDonald Hopkins' employment. The \$90,665.50 base fee sought is accordingly approved as stated at the hearing.

The court next considered whether an enhancement of the base amount would be warranted under factors enumerated by the Fifth Circuit in *Johnson v. Georgia Highway Express, Inc.*, 488 F.2d 714 (5th Cir. 1974), adopted in the Fourth Circuit as the test for fee enhancement in *Barber v. Kimbrell's, Inc.*, 577 F.2d 216, 226 (4th Cir.), *cert. denied*, 439 U.S. 934, 99 S.Ct. 329, 58 L.Ed.2d 330 (1978). After reviewing the "Johnson Factors" applicable here, the court declines to double the base fee, finding that the work does not merit such a large enhancement. However, the request for some enhancement is appropriate given the associated risks and success. The court in its discretion awards a success bonus in the amount of \$34,334.50 for a total approved fee of \$125,000.00 (including costs). The amount was announced in open court at the hearing and no party present objected.

THEREFORE, it is ORDERED and DECREED that compensation and fees for McDonald Hopkins, LLP, as special counsel for the Trustee, is ALLOWED and GRANTED in the total amount of \$125,000 for the work performed between December 15, 2021, through May 23, 2023, specified in Exhibit A attached to the Affidavit and sought in the Motion. Such amount may be paid by the Trustee from proceeds drawn from the approved Litigation Funding Agreement approved in the Litigation Funding Order when appropriate in his business judgment.

**END OF DOCUMENT**